

MC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILEDFEB 17 2015 *P*THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTUNITED STATES OF AMERICA, Plaintiff-
(Appellee)

v.

JOSEPH JOSE BANKS, Defendant-
(Appellant)Appeal No.
Originating Case No. 08-688-1
Judge:

DB CR 688-1

JUDICIAL NOTICE FOR INEFFECTIVE
ASSISTANCE OF COUNSEL

Comes Now Appellant, Jose Joseph Banks, ^{in pro se filing,} and moves this honorable court pursuant Judicial Notice for Ineffective Assistance of Counsel against attorney Beau B. Brindley for his deficient performance that impinges Banks' U.S. Const. Sixth Amendment Protection, and causing prejudice.

II. Argument and Authority

An ineffective assistance of counsel argument involves a mixed question of law and fact that we review de novo. UNITED STATES V. HOLLIS, 552 F.3d 1191, 1194 (10th Cir. 2009). He must demonstrate that (1) Counsel's performance was deficient; (2) the deficient performance prejudiced him. Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct 2052.

Arguments

1. I, Jose Banks have not heard from attorney Mr. Brindley since the sentencing date of October 22, 2014 [before Judge Pallmeyer] and who had agreed to file a direct appeal on my behalf ~ so stipulating that he (Mr. Brindley) would be

assisting with my appeal "free or charge" (originating fr Criminal Case No.: Cr 08. 688-1)

2. My family and I have made several attempts to reaching out and contacting Mr. Brindley on various occasions via mail / email and yet he has not returned a response or no sign of confirmation.

3. I, defendant-Appellant have experienced similar above-mentioned experiences/ issues with Mr. Brindley in the past [pre-trial / post-trial] whereas an extended gap had been wedged and broadened in-between our line of communication - no phone calls, no visits nor mail correspondence - having made himself completely inaccessible, therein, resulting ill-communication / poor litigating and that of an estranged attorney-client relationship.

4. I defendant-appellant Jose Banks have not received copies of my trial transcripts (as requested) fr Mr. Brindley, thereby inhibiting me fr helping in assisting with the researching, investigating & litigating of my case/appeal.

5. Presently, I Jose Banks am unaware of what motion(s) have been filed [if any] on record on my behalf for this criminal appeal and so would like to learn of the current status - as to where I am or where all stands at presently in the legal process.

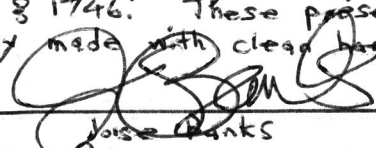
~~Conclusion~~

CONCLUSION

I defendant-appellant would like to know if Mr. Brindley is indeed counsel on record for the appeal of my case? Also I would ask to received copies of my trial transcripts and copies of appeal docketing content.

I declare under penalty of perjury that the foregoing is true and correct pursuant 28 USC § 1746. These presents - in fact, and at law issue in good faith, well and truly made with clean hands 8TH day of Feb., 2015 A.D.

By


Jose Banks
The True Sole
Executor and Beneficiary

Jose Banks #22652 424
FCC - Terre Haute
P.O. Box 33
Terre Haute, IN 47808

CERTIFICATE OF SERVICE

I, Jose Banks - certify that I - in fact, placed the attached legal document - as titled :

JUDICIAL NOTICE FOR INEFFECTIVE ASSISTANCE OF COUNSEL

using the institutional United States Postal legal Mail System here at the United States Penitentiary - Terre Haute, Special Housing Unit, Terre Haute, IN - to be sent to

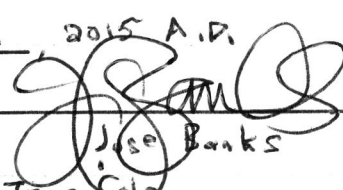
(Party of Interest)

1. Law Offices of
BEAU B. BRINDLEY
53 W. Jackson Blvd.
Suite #1410
Chicago, IL 60604

2. Office of the Clerk
United States District Court
Northern District of Illinois
Eastern Division - 7TH Circuit
Attn: Clerk, Frances Ward
219 South Dearborn Street
Chicago, IL 60604

I declare under penalty of perjury that the foregoing is true and correct pursuant 28 USC § 1746. These presents - in fact, and at law issue in good faith, well and truly made with clean hands 8TH day of Feb. 2015 A.D.

By


Jose Banks
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